



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,288	07/08/2003	Donald R. Manning	2032.0010001	7455

26111 7590 08/13/2004

STERNE, KESSLER, GOLDSTEIN & FOX PLLC
1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

PETRAVICK, MEREDITH C

ART UNIT PAPER NUMBER

3671

DATE MAILED: 08/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/614,288

Applicant(s)

MANNING ET AL.

Examiner

Meredith C Petravick

Art Unit

3671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-33 and 36-39 is/are pending in the application.
- 4a) Of the above claim(s) 15-22 and 27-29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 14,23-26,30-33 and 36-39 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8/20/2003.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Claim Objections

1. Claim 14 is objected to because of the following informalities: the first occurrence of “at least” in line 4 should be deleted. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 30-33 and 36-39 are rejected under 35 U.S.C. 102(b) as being anticipated by Caskey 5,163,565.

Caskey discloses a grain cleaner including:

- a frame work (Fig. 1)
- a grain inlet (2)
- a grain cleaning means (1)
- a grain outlet (Fig. 1A)

The grain cleaning means is an indent cylinder (1) with an inner surface having a plurality of indentations (10). The cylinder is formed of outer sheet material (column 5, line 24) mounted about an inner frame (Fig. 1A where 1 meet the axis).

Regarding claims 31, 33, 37 and 39, the outer sheet material includes releasable locking means (bolts, Column 5, lines 27).

Art Unit: 3671

Regarding claim 32 and 37, the cylinder includes an inner perforated liner (10 and 12 combined) made of a polymeric material (Column 5, lines 25-26).

1. Claim 14 is rejected under 35 U.S.C. 102(b) as being anticipated by Hauch, 5,335,792.

Hauch discloses a grain cleaner including:

- a main framework (10)
- a grain inlet (12)
- a grain cleaning means (7)
- a grain outlet (18)

The grain cleaner is modular (Column 3, lines 46-51). Therefore, the grain cleaning means can be moved to different positions.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hauch in view of Caskey.

Hauch discloses the device described above. Further, Hauch discloses that the grain cleaning means is an indent cylinder with a plurality of indentations (200). However, Hauch fails to describe the detail of the structure of indent cylinder.

Art Unit: 3671

Like Hauch, Caskey disclose an indent cylinder for cleaning grain. Unlike Hauch, Caskey discloses that the indent cylinder is formed by a sheet of material wrapped into a cylindrical shape (Column 5, line 24).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the indent cylinder of Hauch from a sheet of material wrapped into a cylindrical shape as taught in Caskey, as one known method of forming an indent cylinder.

Regarding claims 24-26, the limitations in these claims are discussed above in the rejection of claims 31-33.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meredith Petravick whose telephone number is 703-305-0047. The examiner can normally be reached on Monday-Thursday from 7:00 a.m. - 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached at 703-308-3870.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is 703-308-1113. The fax number for this Group is 703-872-9306.

Application/Control Number: 10/614,288

Page 5

Art Unit: 3671

A handwritten signature in black ink, appearing to read 'M. Petravick', with a stylized, flowing script.

Meredith Petravick
Patent Examiner
Group Art Unit 3671

August 6, 2004